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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/525,916

08/04/2005

John A. Graham

EBA-0033

1122

23413

7590

08/14/2006

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EXAMINER

JOHNSON, STEPHEN

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/525,916

Applicant(s)

GRAHAM ET AL.

Examiner

Stephen M. Johnson

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-12 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/05;8/05;11/05;06</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 3641

1. This application contains claims directed to the following patentably distinct species:  
Species A is illustrated in fig. 1. Species B is illustrated in fig. 2A. Species C is illustrated in fig. 2B. Species D is illustrated in fig. 3A. The species are independent or distinct because each contains features that patentably distinguish from the others absent some evidence or admission to the contrary.

Applicant is **required under 35 U.S.C. 121 to elect a single disclosed species for prosecution** on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement **must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon**, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. Claims 3, 5-10, 11/3, 11/5, 11/6, 12/5, and 12/6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 1, how is the term “impelling gas” intended to relate to the previously

Art Unit: 3641

claimed 'impelling gas' (see claim 1, line 5)? In claim 5, line 3, how is the term "an input device" intended to relate to the previously claimed 'input device' (see claim 4)? In claim 7, line 4, how is the term "an output device" intended to relate to the previously claimed 'output device' (see claim 1, line 9)? In claims 7/5 and 7/6, how is the term "an input device" intended to relate to the previously claimed 'input device' (see claim 4)?

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 7/1, 8/1, 9/1, and 10/1 are rejected under 35 U.S.C. 102(b) as being anticipated by Hardt et al. (340).

Hardt et al. (340) disclose a safe-arm device comprising:

- |  |                   |
|--|-------------------|
| a) a housing;  | see fig. 1        |
| b) inlet and outlet apertures;                       | contain 32 and 35 |
| c) a barrier chamber;                                | contains 40       |
| d) a barrier member movable from safe/arm positions; | 40                |
| e) a delayed output component;                       | 22                |
| f) a source of impelling gas;                        | 43                |
| g) an input device; and                              | 32, 45            |
| i) an output device.                                 | 35                |

5. Claims 1, 3-4, 7/1, 8/1, 10/1, 11/1, 11/3, 11/4, and 12/1 are rejected under 35 U.S.C. 102(b) as being anticipated by Belsley (598).

Art Unit: 3641

Belsley (598) discloses a safe-arm device comprising:

- |  |                |
|--|----------------|
| a) a housing;  | 10             |
| b) inlet and outlet apertures;                       | contain 90, 92 |
| c) a barrier chamber;                                | contains 58    |
| d) a barrier member movable from safe/arm positions; | 58             |
| e) a delayed output component;                       | 94             |
| f) a source of impelling gas;                        | 96             |
| g) an input device; and                              | 90             |
| i) an output device.                                 | 92             |

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 11/2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belsley (598) in view of Brightman (559).

Belsley applies as previously recited. However, undisclosed is an input device in combination with a delay composition such that the barrier member would be situated between the delay composition and the outlet aperture. Brightman teaches an input device in combination with a delay composition such that the barrier member would be situated between the delay composition and the outlet aperture (see fig. 1). Applicant is substituting one initiation assembly for another in an analogous art setting. It would have been obvious to a person of ordinary skill

Art Unit: 3641

in this art at the time of the invention to apply the teachings of Brightman to the Belsley safe-arm device and have a safe-arm device with a different type of initiation assembly.

8. Claims 1, 3-4, 7/1, 8/1, 9/1, 11/1, 11/3, 11/4, and 12/1 are rejected under 35 U.S.C. 102(b) as being anticipated by Bastide (689).

Bastide (689) discloses a safe-arm device comprising:

- |  |              |
|--|--------------|
| a) a housing;  | see fig. 1   |
| b) inlet and outlet apertures;                       | contain 7, 3 |
| c) a barrier chamber;                                | contains 11  |
| d) a barrier member movable from safe/arm positions; | 11           |
| e) a delayed output component;                       | 5            |
| f) a source of impelling gas;                        | 7            |
| g) an input device; and                              | 7            |
| i) an output device.                                 | 3            |

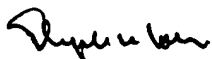
9. Claims 5-6, 7/5, 7/6, 8/5, 8/6, 9/5, 9/6, 10/5, 10/6, 11/5, 11/6, 12/5, and 12/6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is ([Stephen.Johnson@uspto.gov](mailto:Stephen.Johnson@uspto.gov)). The examiner can normally be reached on Tuesday through Friday.

Art Unit: 3641

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.



**STEPHEN M. JOHNSON**  
PRIMARY EXAMINER

Stephen M. Johnson  
Primary Examiner  
Art Unit 3641

SMJ  
August 8, 2006